

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

November 25, 2003

TO: Internal File

THRU: Priscilla Burton, Environmental Scientist, Soils, Team Lead

FROM: Jerriann Ernsten, Ph.D., Environmental Scientist, Biology.

RE: Response to Condition #2 (Permit Transfer), Hidden Splendor Resources, Inc.,
Horizon Mine, C/007/0020, Task ID #1747

SUMMARY:

The Division received an amendment to address the permit transfer at the Horizon Mine on September 28, 2003. This memo describes the review for the company name change as well as pagination for the biology and land use sections of the amendment.

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TECHNICAL ANALYSIS:

GENERAL CONTENTS

PERMIT APPLICATION FORMAT AND CONTENTS

Regulatory Reference: 30 CFR 777.11; R645-301-120.

Analysis:

The pagination for chapters 3 and 9 do not match the table of contents. The Permittee must reassign the table of contents to agree with chapter pages (R645-301-121.200).

Table 3-2 lists the perennial grass streambank wheatgrass as “streamband wheatgrass”. The Permittee must correct the table to read “streambank wheatgrass” (R645-301-121.200).

It is not entirely clear why the cover page for Appendix 9-2 states to “add (the page) to end of existing data”. The Permittee may want to remove the statement and correctly place the cover page at the beginning of the appendix (R645-301-121.200).

This revised MRP contains an additional appendix cover page “Appendix 10-3 Raptor Surveys”. The appendix, however, contains no information. The Permittee must provide the text and data to accompany the described cover page or remove the appendix cover page (R645-301-121.200).

There are redline strikeout pages for chapters 9 and 10 following the reference list for chapter 10 in the approved MRP. It is unclear why the Permittee omitted these pages from the revised MRP. If the pages are correctly incorporated, the Permittee must explain the reason for the omission of these pages. If the Permittee overlooked the incorporation of these pages from the revised MRP, the Permittee must provide an explanation in a cover page that precedes the section. Furthermore, the Permittee must correctly place the redline strikeout pages for chapter 9.

Findings:

Information provided in the application is not considered adequate to meet the minimum Permit Application Format and Contents section of the General Contents regulations.

R645-301-121.200, The Permittee must: reassign the table of contents to agree with chapter pages; correct Table 3-2 to read “streambank wheatgrass”; correctly place the Appendix 9-2 cover page at the beginning of the appendix; provide the text and data to accompany the described cover page or remove the appendix cover page; explain the reason for the incorporation of redline strikeout pages in chapter 10; correctly place the chapter 9 redline strikeout pages in chapter 9.

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

VEGETATION RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.19; R645-301-320.

Analysis:

The revised MRP is missing a correctly stamped Plate 9-2 “Surveyed Riparian Area”. The Permittee must provide Plate 9-2 with the Hidden Splendor Resources, Inc. name stamp (R645-301-323.400).

Findings:

Information provided in the application is not considered adequate to meet the minimum Vegetation Resource Information section of the Environmental Resource Information regulations.

R645-301-323.400, The Permittee must provide Plate 9-2 with the Hidden Splendor Resources, Inc. name stamp.

RECOMMENDATIONS:

Do not approve the amendment until the Permittee addresses all deficiencies.